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11 Exxon Mobil Corporation

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 EXXON MOBIL CORPORATION,

16 Petitioner and
17 Plaintiff,

18 v.

19 SANTA BARBARA COUNTY
BOARD OF SUPERVISORS,

20 Respondent and
21 Defendant.

22 and

23 ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!,
24 SANTA BARBARA COUNTY
ACTION NETWORK, SIERRA
CLUB, SURFRIDER FOUNDATION,
25 CENTER FOR BIOLOGICAL
DIVERSITY, and WISHTOYO
26 FOUNDATION,

27 Intervenor.
28

Case No. 2:22-cv-03225-DMG (MRWx)

**NOTICE OF
PETITIONER/PLAINTIFF EXXON
MOBIL CORPORATION'S CROSS-
MOTION FOR SUMMARY
JUDGMENT AND OPPOSITION
TO RESPONDENT/DEFENDANT'S
AND INTERVENORS' MOTIONS
FOR SUMMARY JUDGMENT ON
FIRST CAUSE OF ACTION FOR
WRIT OF ADMINISTRATIVE
MANDATE**

Judge: Hon. Dolly M. Gee
Hearing: June 16, 2023
Time: 2:00 p.m.
Courtroom: 8C

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT on June 16, 2023, at 2:00 p.m., or as soon
3 thereafter as the matter may be heard in Courtroom 8C of the above-entitled court,
4 located in the First Street U.S. Courthouse at 350 W. 1st St., Los Angeles,
5 California, Petitioner/Plaintiff Exxon Mobil Corporation (“ExxonMobil”) will and
6 hereby does move the Court for summary judgment as to the first cause of action
7 presented in its Verified Petition for Writ of Mandate and Complaint for
8 Declaratory Relief and Damages (Dkt. No. 1) on the grounds that, as a matter of
9 law, the evidence in the administrative record demonstrates that the Santa Barbara
10 Board of Supervisors (the “Board”) abused its discretion in denying ExxonMobil’s
11 trucking project.

12 Summary judgment should be granted for ExxonMobil on its first cause of
13 action for the following reasons:

- 14 1. The Board has committed a prejudicial abuse of discretion by
15 disregarding the overwhelming evidence that the project should be
16 approved, regardless of whether the independent judgment standard or the
17 substantial evidence test applies;
- 18 2. The Board has abused its discretion by failing to proceed in a manner
19 required by law.

20 This motion is based upon this Notice of Cross-Motion and Opposition, the
21 concurrently filed Memorandum of Points and Authorities in support of this Cross-
22 Motion and Opposition, and Request to Take Judicial Notice; the Administrative
23 Record filed in this matter (Dkt. Nos. 28, 28-1 to 28-68); all pleadings and papers
24 on file in this action, and upon such matters as may be presented to the Court at or
25 before the time of the hearing on this motion.

26 **Compliance with Local Rule 7–3**

27 This motion is made following the conference of counsel pursuant to Local
28 Rule 7-3. The conference took place in advance of the filing of the Joint Report of

1 Parties Pursuant to FRCP 26(f) and L.R. 26-1 (Dkt. No. 16), in which the parties
2 proposed bifurcation of this matter to allow the filing of both this cross-motion and
3 Respondent/Defendant's motion for summary judgment during Phase I of the
4 litigation.

5
6 Dated: March 30, 2023

DAWN SESTITO

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8 By: /s/ Dawn Sestito
Dawn Sestito

9 Attorneys for Petitioner and Plaintiff
10 Exxon Mobil Corporation
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